

**ACCOMPANYING LABELING:** The device in possession of B. R. Clements was accompanied by booklets entitled "Nature's Way of Health With The Vital-Tone Unit In Your Home" and "Suggested Instructions On Using Irradiated Water And Food."

**RESULTS OF INVESTIGATION:** The device consisted of a compartmented box containing an electrically operated "sun lamp" which was situated so that light emitted by the lamp might fall upon jugs of water placed in the box with several sheets of colored glass interposed between the lamp and the jugs. Water irradiated through blue- and purple-colored glass was designated "electric" or "E," and water irradiated through red- and amber-colored glass was designated "thermal" or "T."

The "electric" water, the "thermal" water, and a combination of the two were intended to be used in the cure, mitigation, and treatment of a great variety of diseases of man.

**LIBELED:** 7-26-54, N. Dist. Okla.

**CHARGE:** 502 (a)—when shipped, the labeling of the device in the possession of B. R. Clements contained false and misleading representations that the device was capable of providing an adequate and effective treatment for hemorrhoids, pain, inflammation, burns, cuts, sinus troubles, hay fever, colds, varicose veins, high blood pressure, infections, arthritis, asthma, ulcerated conditions, diseased tonsils, virus infection, infection of the bladder, colon, kidney, and blood, skin rash, heart conditions, low blood pressure, low glandular activity, constipation, cancer, and for providing vital energy in one's water and food; and 502 (f) (1)—the labeling of the remaining two devices, when shipped and while held for sale, failed to bear adequate directions for use, and they were not entitled to any exemption from that requirement.

**DISPOSITION:** B. R. Clements, Mr. and Mrs. Robert F. Layman, and Mrs. Melba Ferlin, claimants, filed answers denying that the products were misbranded as alleged.

The case came on for trial before the court on 10-15-54, at which time the claimants announced that they did not wish to proceed with the trial and were withdrawing their answers. The court thereupon entered a decree condemning the devices and ordering them delivered to the Food and Drug Administration.

#### **DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH**

**4771. Ergot of rye.** (F. D. C. No. 37627. S. No. 11-883 M.)

**QUANTITY:** 80 112-lb. bags at Brooklyn, N. Y.

**SHIPPED:** 6-10-54, from Poland.

**LIBELED:** 2-2-55, E. Dist. N. Y.

**CHARGE:** 501 (a) (1)—contained insects while held for sale.

**DISPOSITION:** 3-18-55. Consent—claimed by Arnida Products Corp., New York, N. Y. Segregated, 257 lbs. destroyed.

**4772. Rosebuds.** (F. D. C. No. 37381. S. No. 12-401 M.)

**QUANTITY:** 231 lbs. in 5 drums and 11 49-lb. bags at New York, N. Y.

**SHIPPED:** 9-21-53, from North Bergen, N. J.

**LIBELED:** 12-1-54, S. Dist. N. Y.

**CHARGE:** 501 (a) (1)—contained insects while held for sale.

DISPOSITION: 12-30-54. Consent—claimed by Schieffelin & Co. Segregated, 433 lbs. denatured.

**DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS**

**4773. Phenobarbital tablets, aspirin-phenobarbital tablets, and Obes-Ebb tablets.** (F. D. C. No. 36678. S. Nos. 46-054 L, 46-062/3 L, 84-289 L.)

INFORMATION FILED: 1-13-55, S. Dist. N. Y., against Nyrope, Inc., New York, N. Y.

SHIPPED: Between 11-2-53 and 1-12-54, from New York to Massachusetts and Pennsylvania.

LABEL IN PART: (Btl.) "Tablets Phenobarbital  $\frac{1}{4}$  [or " $\frac{1}{2}$ "] grain," "Aspirin-Phenobarbital Tablets Each tablet contains \* \* \* Phenobarbital . . .  $\frac{1}{4}$  grain," and "No. 3 Tablets Obes-Ebb Each tablet contains: Amphetamine Sulphate 5 mgm."

CHARGE: 501 (c)—the strength of the articles when shipped differed from that which they purported or were represented to possess in that the *phenobarbital tablets* and the *aspirin-phenobarbital tablets* contained less phenobarbital and the *Obes-Ebb tablets* contained less amphetamine sulfate than declared on the label.

PLEA: Guilty.

DISPOSITION: 5-25-55. \$500 fine.

**4774. Rauwolfia serpentina (powder & tablets).** (F. D. C. No. 37622. S. No. 5-484 M.)

QUANTITY: 1 drum containing 32 lbs. of powder, 175,000 tablets, each containing 100 mg. of powder, and 140,000 tablets, each containing 50 mg. of powder.

SHIPPED: 7-27-54, from New York, N. Y., by Prentiss Drug & Chemical Co.

LABEL IN PART: (Drum) "R. S. Root."

RESULTS OF INVESTIGATION: The article was invoiced as "Whole Rauwolfia Serpentina Root" and, after receipt by the consignee, it was dried and ground into a powder. A portion of the powder was used in the manufacture of tablets intended to be labeled in part "Each tablet contains Rauwolfia serpentina."

LIBELED: 1-25-55, E. Dist. Mich.

CHARGE: 501 (d) (2)—the article was represented as *Rauwolfia serpentina*, and a substance other than *Rauwolfia serpentina* had been substituted in whole or in part for the article when shipped; and 502 (i) (3)—the article was not *Rauwolfia serpentina*, and it was offered for sale under the name of another drug, namely *Rauwolfia serpentina*.

DISPOSITION: 3-31-55. Default—destruction.

**4775. C-Tone.** (F. D. C. No. 35362. S. No. 51-780 L.)

QUANTITY: 20 cartons, 12 8-oz. btls. each, at New York, N. Y.

SHIPPED: 6-22-53 and 6-24-53, from Englewood Cliffs, N. J., by Kegan Laboratories, Inc., through Byrne Products, Inc.